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No. 99-2077

FILED

JUL 14 2000

CLERK

In the Supreme Court of the United States

UNITED STATES OF AMERICA, PETITIONER

v.

BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES
FOR NORTHEASTERN ILLINOIS UNIVERSITY

MELINDA ERICKSON'S RESPONSE IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

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7 pp

QUESTION PRESENTED

Whether Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12111-12117, is a proper exercise of Congress's power under Section 5 of the Fourteenth Amendment.

PARTIES TO THE PROCEEDING

Respondent, Melinda Erickson, was the plaintiff in the district court and an appellee in the Court of Appeals.

Petitioner is the United States of America, which intervened in the Court of Appeals to defend the constitutionality of Congress's abrogation of Eleventh Amendment immunity in the Americans with Disabilities Act of 1990, 42 U.S.C. 12202.

Respondent, Board of Governors of State Colleges and Universities for Northeastern Illinois University, was the defendant in the district court and the appellant in the Court of Appeals.

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BOARD OF GOVERNORS OF
THE STATE COLLEGES AND UNIVERSITIES FOR
NORTHEASTERN ILLINOIS UNIVERSITY

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MELINDA ERICKSON'S RESPONSE IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

Respondent, Melinda Erickson, hereby joins in supporting the Petition for a Writ of Certiorari previously filed by the United States of America in this matter.

STATEMENT

Respondent, Melinda Erickson, agrees with the statement of the United States of America as set forth in its Petition for a Writ of Certiorari in this matter.

REASON FOR GRANTING THE PETITION

On April 17, 2000, this Court granted review in *Board of Trustees of the University of Alabama v. Garrett*, No. 99-1240. The question concerning the Disabilities Act's abrogation of Eleventh Amendment immunity raised by this petition is identical to that presented in No. 99-1240. Accordingly, this petition should be held pending the Court's decision in that case.

CONCLUSION

The petition for a writ of certiorari should be held pending this Court's decision in *Board of Trustees of Alabama* v. *Garrett*, No. 99-1240, and disposed of in accordance with the decision in that case.

Respectfully submitted.

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